

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00136-02

LUCI JANE MCCORMICK

PROBATION REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 19, 2018, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Luci Jane McCormick, appeared in person and by her counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of probation submitted by United States Probation Officer Kara Dills. The defendant commenced a three-year term of probation in this action on February 16, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 22, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

The court finds that the defendant has violated the conditions of probation in the following respects: (1) the defendant committed on May 31, 2017, the misdemeanor crime of possession of heroin as evidenced by her guilty plea on June 26, 2017, for which she was fined and assessed court costs; (2) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by her on October 4 and November 20, 2017; (3) the defendant failed to notify the probation officer of her change in residence as set forth in Violation No. 4; (4) the defendant failed to participate in and successfully complete a group intensive outpatient substance abuse treatment as directed inasmuch as she was discharged before completion on August 29, 2017, due to disruptive behavior; (5) the defendant failed to participate in individual outpatient substance abuse treatment as directed by the probation officer; (6) the defendant failed to report for urine screens as instructed on November 14, December 11 and 21, 2017, and January 18 and 23, 2018; (7) the defendant failed to pay the special assessment as directed by the court inasmuch as she has failed to make any payments and the entire \$100 balance remains unpaid; (8) the defendant submitted urine specimens on October 13 and December 6, 2017, that returned as invalid-substitution, not consistent with normal human urine, as evidenced by her stipulation on the

record of the hearing that the government possesses proof sufficient to prove both violations by a preponderance of the evidence; and (9) the defendant used and possessed amphetamine and methamphetamine as evidenced by a positive urine specimen submitted by her on November 28, 2017, the defendant having stipulated on the record of the hearing that the government possesses proof sufficient to prove the violation by a preponderance of the evidence; all as admitted by the defendant on the record of the hearing with the exception of (8) and (9) as set forth above and all as set forth in the petition on probation.

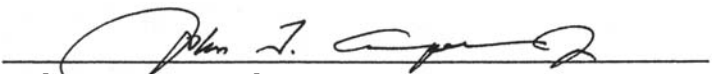
Upon motion of the defendant, as more fully set forth on the record of the hearing, that the petition be held in abeyance in order to allow the defendant the opportunity to participate in FMRS' MOTHER Program, a 90-day intensive-residential treatment program in Beckley, West Virginia, and follow-up program(s) recommended by the FMRS' MOTHER Program, to which the government did not object, it is ORDERED that the motion be, and it hereby is, granted and the petition is hereby held in abeyance and the defendant remains on the three-year term of probation imposed by the court's order entered on February 22, 2017, and the defendant shall continue to follow

all terms and conditions of probation imposed heretofore, and the following additional terms and conditions: the defendant shall participate in and successfully complete the FMRS MOTHER Program, a 90-day intensive-residential treatment program in Beckley, West Virginia, where she shall participate in substance abuse counseling and treatment, and mental health/psychiatric treatment as directed, and where she shall follow the rules and regulations of the facility. Upon completion of the MOTHER Program, the defendant shall participate in such further substance abuse treatment program and mental health treatment program as recommended by the MOTHER program and the probation officer.

The defendant was remanded to the custody of the United States Marshal. It is ORDERED that the defendant be released from custody at 10:00 a.m. on Tuesday, March 20, 2018, and she is directed to travel directly from the South Central Regional Jail, without interruption, to the MOTHER Program in Beckley, West Virginia, with transportation to be provided by her daughter, Nyla Meeks.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 19, 2018

  
John T. Copenhaver, Jr.  
United States District Judge